

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ERIC LYONS,</b>	:	<b>CIVIL ACTION NO. 3:07-CV-444</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>JEFFREY BEARD, et al.,</b>	:	

**ORDER**

AND NOW, this 3rd day of February, 2011, upon consideration of the Report and Recommendation of United States Magistrate Judge Martin C. Carlson (Doc. 96), recommending that defendants' motion for summary judgment (Doc. 71) be granted in part and denied in part, and, following an independent review of the record and noting that plaintiff filed objections<sup>1</sup> to the report on January 26, 2011 (Doc. 97), and the court finding Judge Carlson's analysis to be thorough and well-reasoned, and the court finding plaintiff's objections to be without merit and squarely addressed by Judge Carlson's Report and Recommendation (Doc. 96), it is hereby ORDERED that:

1. The Report and Recommendation of Magistrate Judge Carlson (Doc. 96) is ADOPTED in its entirety.

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

2. Defendants' motion for summary judgment (Doc. 71) is granted in part and denied in part, as follows:
  - a. The motion for summary judgment is DENIED as to Defendants Ayers, Simpson, Yohn, Darhower and Kreider.
  - b. The motion for summary judgment is GRANTED as to Defendants Beard, Vaughn, Kelcher, Brannigan, Sunday, Cole, Southers, Orwig, Reading, Brown, Tobias, and Martz and the Clerk of Court is DIRECTED to enter JUDGMENT in favor of said Defendants and against Plaintiff.
3. The above-captioned case is REMANDED to Magistrate Judge Carlson for further proceedings.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge